

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6205

BILL NUMBER: HB 1073

NOTE PREPARED: Jan 25, 2010

BILL AMENDED: Jan 25, 2010

SUBJECT: Termination of Residential Leases.

FIRST AUTHOR: Rep. Fry

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) The bill provides that a tenant leasing a dwelling may terminate a lease agreement if the tenant is the victim of certain crimes committed in the tenant's unit. The bill provides that the lease may be terminated through procedures established under the statute providing for court issuance of emergency possessory orders for residential rental units. The bill establishes the criteria for the court to consider for termination of the tenant's lease agreement.

Effective Date: July 1, 2010.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) Summary- This provision could increase the number of emergency possessory orders filed with trial courts.

(Revised) *Court Fee Revenue:* If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures:

Explanation of Local Revenues: (Revised) *Summary*- Additional emergency possessory order petitions could be filed with courts for the following offenses committed in the dwelling unit of a tenant:

- Burglary
- Residential Entry
- Criminal Trespass

(Revised) *Court Fee Revenue*: If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Trial courts.

Information Sources:

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